

AFFIDAVIT OF SERVICE

State of New York

County of Southern

District Court

Index Number: 07 CIV 8538
Date Filed: 10/2/2007

Plaintiff:

Larry Freudenberg, Individually and on Behalf of All Others Similarly Situated,

vs.

Defendant:

E*Trade Financial Corporation, et.al.

State of New York, County of Albany)ss.:

Received these papers to be served on **E*Trade Financial Corporation c/o Corporation Service Company, 80 State Street, Albany, NY 12207.**

I, J.R. O'Rourke, being duly sworn, depose and say that on the **23rd day of October, 2007 at 12:05 pm, I:**

Served the within named **CORPORATION** by delivering a true copy of the **Summons In A Civil Case, Class Action Complaint for Violations of Federal Securities Laws and Demand for Jury Trial** to Nikki Chapple as Service Of Process Clerk of Corporation Service Company as **Registered Agent** of the within named corporation, in compliance with state statutes.

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: Black, Height: 5'10", Weight: 180, Hair: Black, Glasses: Y

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server in good standing in the jurisdiction in which the process was served.

Subscribed and Sworn to before me on the 23rd day of October, 2007 by the affiant who is personally known to me.



J.R. O'Rourke
Process Server



NOTARY PUBLIC

PATRICIA A. BURKE
Notary Public, State of New York
No. 4922372
Qualified in Albany County **2010**
Commission Expires Feb. 28, 2010

Our Job Serial Number: 2007003977